

REMARKS

Status

Claims 1-9 and 14-25 will be pending in this application. Support for new Claims 14-25 can be found in original Claims 8-9. No new matter will be added upon entry of the above amendments.

Discussion

The objection to Claims 1-11, now 1-9 and 14-25, as being drawn to an improper Markush group has been obviated by appropriate amendment.

As requested by the Examiner, ring M has been limited to piperidinone.

Withdrawal of this rejection is respectfully requested.

Applicants affirm the election Example 12 in Table 1 and thank the Examiner for expanding the search beyond the elected species. The present amendment narrows the claims to correspond to compounds wherein (a) ring M is piperidinone, (b) ring A is phenyl, and (c) linker G₁ is oxygen, amino, amido, carboxy, and aminomethyl (i.e., the linkers of Table 1). Applicants have also narrowed G to where ring E is phenyl or pyridyl and ring D, when present, is phenyl or pyridyl. Thus, G is slightly broader than suggested by the Examiner. Entry of the currently amended G is respectfully requested. Applicants have not narrowed ring B due to the narrowing of rings D-E and linker G₁ and the fixing of rings M and A. Applicants respectfully suggest that B need not be narrowed in order to search a compound wherein ring E=phenyl/pyridyl, G₁ is as noted above, ring M=piperidinone, and ring A=phenyl. Accordingly, Applicants respectfully submit that the current scope is readily searchable.

The rejection of Claims 1-13, now 1-9 and 14-25, under 35 U.S.C. §112, 2nd paragraph, has been obviated in part by appropriate amendment and is respectfully traversed in part.

i) M¹, M², and M₃ have been deleted. Withdrawal of this rejection is respectfully requested.

ii) Ring E in G is now only drawn to phenyl or pyridyl. If ring E were only a phenyl, then variable E would not be present in the middle of the ring. The presence of variable E indicates that the ring isn't just a simple phenyl group. Withdrawal of this rejection is respectfully requested.

iii) A is now limited to phenyl and residue has been deleted from the claim language. Withdrawal of this rejection is respectfully requested.

The rejection of Claim 13 under 35 U.S.C. §101 has been obviated by appropriate amendment.

Claim 13 has been canceled. Withdrawal of this rejection is respectfully requested.

The objection to Claims 9-11 under 37 C.F.R. 1.75 has been obviated by appropriate amendment.

Claims 10-11 have been deleted. Withdrawal of this rejection is respectfully requested.

The rejection of Claim 7 for non-statutory double patenting has been obviated by appropriate amendment.

The compounds listed in Claim 7 that overlapped with Claim 7 of US 6,710,058 have been removed. Withdrawal of this rejection is respectfully requested.

The only remaining art-related proviso in the claims follows the definition of Variable A. This proviso relates to US 5,998,447, which is discussed in the Background section of the above-identified application. In view of the above amendments, Applicants have no references to point out to the Examiner.

The provisos added after R^{4b} and R⁵ as well as the replacement of R^{3f} with R⁵ in groups R⁴ and R^{4a} are all amendments to prevent the possibility of a circular definition in the claims. Support for replacement of R^{3f} with R⁵ can be found in priority application USSN 60/313,552. Entry of these amendments is respectfully requested.

In view of the foregoing, Applicants submit that the application is now in condition for allowance. Early notification of such action is earnestly solicited. If the

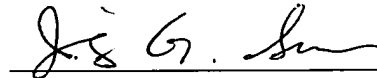
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Amendment

Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited.

Respectfully submitted,

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